PTO/SB/21 (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE perwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number Application Number 10/613,678 TRANSMITTAL Filing Date July 2, 2003 **FORM** First Named Inventor **Brett** Art Unit 3739 (to be used for all correspondence after initial filing) **Examiner Name** Attorney Docket Number ExpC:EptaRib Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication X Fee Transmittal Form in duplicate Drawing(s) to Group Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to Group Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a **Proprietary Information** After Final Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) (please **Terminal Disclaimer Extension of Time Request** Identify below): Express Abandonment Request 49 Request for Refund see remarks Information Disclosure Statement CD, Number of CD(s) (including copy of cited foreign reference) Certified Copy of Priority Document(s) Request to withdraw previously submitted IDS; return receipt Response to Missing Parts/ postcard Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Karen Dana Oster Individual name Signature

## CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Typed or printed name Karen Dana Oster Date Signature

Date

the date shown below.

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TEE TRANS		Complete if Known			
TEE IKAN	SIVILLIAL	Application Number	10/613,678		
for FY	2004	Filing Date	July 2, 2003		
Effective 10/01/2003. Patent fees are		First Named Inventor	Brett		
Applicant claims small entity status		Examiner Name			
Applicant claims small entity status	5. See 37 CFR 1.27	Art Unit	3739		
TOTAL AMOUNT OF PAYMENT	(\$)	Attorney Docket No.	ExpC:EptaRib		

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)					
X Check Credit card Money Other None	3. ADDITIONAL FEES					
Order Order	Large E	Entity	Small	<b>Entity</b>		
D	Fee Code	Fee (\$)		Fee (\$)	Fee Description	5 D.14
Account 5U-Z115	1051	130	2051		Surcharge - late filing fee or oath	Fee Paid
Number Deposit	1052	50	2052		Surcharge - late provisional filing fee or	
Account Name	1032	30	2032		cover sheet	
The Director is authorized to: (check all that apply)	1053	130	1053		Non-English specification	
Charge fee(s) indicated below Credit any overpayments	1812	•	1812 2	-	For filing a request for ex parte reexamination	-
Charge any additional fee(s) or any underpayment of fee(s)	1804	920*	1804		Requesting publication of SIR prior to Examiner action	
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
FEE CALCULATION	1251	110	2251	55	Extension for reply within first month	
1. BASIC FILING FEE	1252	420	2252	210	Extension for reply within second month	
Large Entity Small Entity	1253	950	2253	475	Extension for reply within third month	
Fee Fee Fee Fee Description Fee Paid Code (\$)	1254	1,480	2254	740	Extension for reply within fourth month	
1001 770 2001 385 Utility filing fee	1255	2,010	2255	1,005	Extension for reply within fifth month	<b>├</b>
1002 340 2002 170 Design filing fee	1401	330	2401	165	Notice of Appeal	
1003 530 2003 265 Plant filing fee	1402	330	2402		Filing a brief in support of an appeal	
1004 770 2004 385 Reissue filing fee	1403	290	2403	145	Request for oral hearing	
1005 160 2005 80 Provisional filing fee	1451	1,510	1451	1,510	Petition to institute a public use proceeding	
SUBTOTAL (1) (\$) 0	1452	110	2452	55	Petition to revive - unavoidable	
	1453	1,330	2453	665	Petition to revive - unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,330	2501	665	Utility issue fee (or reissue)	
Ext <u>ra Claims below Fee Paid</u>	1502	480	2502		Design issue fee	
Total Claims	1503	640	2503	320	Plant issue fee	
Independent - 3** = X = 0	1460	130	1460	130	Petitions to the Commissioner	
Multiple Dependent	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
Large Entity   Small Entity	1806	180	1806	180	Submission of Information Disclosure Stmt	
Fee Fee Fee Fee Fee Description Code (\$) Code (\$)	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1202         18         2202         9         Claims in excess of 20           1201         86         2201         43         Independent claims in excess of 3	1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1204 86 2204 43 ** Reissue independent claims over original patent	1801	770	2801	385	Request for Continued Examination (RCE)	
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802	900	1802	900	•	
SUBTOTAL (2) (\$) 0	Other	fee (sp	ecify) _			
SUBTOTAL (2) (\$ 0  **or number previously paid, if greater; For Reissues, see above	*Redu	iced by	Basic F	Filing F	ee Paid SUBTOTAL (3) (\$)	0
parating parating reason, to increase, and abore					`,' (\\	

Registration No. Karen Dana Oster (503) 810-2560 37,621 Name (Print/Type) Telephone (Attorney/Agent) Signature Date

> WARNING: Information on this form may bec m public. Credit card inf rmati n sh uld not b included on this form. Provide credit card informati n and authorization on PTO-2038.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE PATENT APPLICATION EXAMINING OPERATIONS

pplicant:

Brett

Group Art Unit:

3739

Serial No.:

10/613,678

Examiner:

Filed:

07-02-2003

Docket No.:

ExpC:EptaRib

Title:

**Epidural Thermal Posterior Annuloplasty** 

## REQUEST TO WITHDRAW INFORMATION DISCLOSURE STATEMENT

Law Office of Karen Dana Oster, LLC PMB 1020 15450 SW Boones Ferry Rd. #9 Lake Oswego, OR 97035 January 9, 2004

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant electronically submitted an Information Disclosure Statement on November 22, 2003 that contains references that pertain to another patent. As the references cited therein are completely unrelated to the subject invention, applicant respectfully submits that the Information Disclosure Statement should be withdrawn.

Respectfully submitted,

Karen Dana Oster Reg. No. 37,621

Of Attorneys of Record Tel: (503) 810-2560



Applicant:

**Brett** 

**Group Art Unit:** 

3739

Serial No.:

10/613,678

Examiner:

Filed:

07-02-2003

Docket No.:

ExpC:EptaRib

Title:

**Epidural Thermal Posterior Annuloplasty** 

## INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE WITH 37 CFR §1.98

Law Office of Karen Dana Oster, LLC PMB 1020 15450 SW Boones Ferry Rd. #9 Lake Oswego, OR 97035 January 7, 2004

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith a copy of a foreign patent which he is aware and which he desires to have considered by the Patent Office in accordance with 37 CFR Sec. 1.97. In accordance with 37 CFR Sec. 1.97(b)(3), this Information Disclosure Statement is being submitted before the mailing date of a first office action on the merits.

In accordance with 37 CFR Sec. 1.97(h), the filing of this Information Disclosure Statement will not be regarded as an admission that any patent or patents, or other art referred to herein is, or is considered to be, material to patentability under 37 CFR Sec. 1.56(b) unless specifically designated as such.

A list of the foreign patent enclosed herewith is set forth on the attached single page form.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in the file.

Please charge Deposit Account No. 50-2115 for any additional fees which may be required.

Respectfully submitted,

Karen Dana Oster Reg. No. 37,621

Of Attorneys of Record

Tel: (503) 810-2560

PTO/SB/08a (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
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Photer the Paperwork Reduction Act of 1995, no persons are required to res Substitute for form 1449A/PTO		Complete if Known				
3333333 10 10 11 17 17 17 17				Application Number	10/613,678	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	July 2, 2003	
				First Named Inventor	Brett	
				Art Unit	3739	
	(Use as many sheets as i	necessary	)	Examiner Name		
Sheet	1	of	2	Attorney Docket Number	ExpC:EptaRib	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (f known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵	
		WO 01/26570	04-19-2001	Arthrocare Corporation			
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Examiner	 Date	
Signature	Considere	<b>.</b>
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.